

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOCARRA R. FIGURES,

Defendant.

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8:06CR38

ORDER

This matter is before the court on the oral motion of Tocarra R. Figures (Figures) to appoint new counsel. The court held a hearing on the motion on May 16, 2006. Figures appeared with her counsel James J. Regan. After an in camera discussion with Figures and Mr. Regan, the court determined that the attorney-client relationship was ruptured to the point that new counsel should be appointed. The court determined the motion should be granted. Mr. Regan has the court's permission to withdraw and substitute counsel will be appointed.

Donald L. Schense, 1304 Galvin Road South, Bellevue, NE 68005, (402) 291-8778, is appointed to represent Figures for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Schense shall file his appearance in this matter forthwith. The clerk shall provide a copy of this order to Mr. Schense and to the Federal Public Defender.

Mr. Regan shall forthwith provide Mr. Schense with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Regan which are material to Figures' defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Judge Laurie Smith Camp and a jury commencing at 9:00 a.m. on August 1, 2006. During the hearing on May 16, 2006, Figures requested additional time and acknowledges the time provided would be excluded from the computations under the Speedy Trial Act. The additional **time** arising as a result of the granting of the request, i.e., the time between **May 16, 2006 and August 1, 2006**, shall be deemed **excludable** time

in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 16th day of May, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge